

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of August 10, 2006, in which the Examiner **(1)** rejected claims 3-6, 22-24 and 32-35 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,973,442 to Drummond ("**Drummond**"), **(2)**, rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over **Drummond** in view of "Citibank Unveils New Automatic Teller Machine Technology to Aid Individuals with Disabilities" by S. Weeks, Sept. 30, 1992 ("**Weeks**"), **(3)** rejected claims 9-11 and 13 under 35 U.S.C. 103(a) as being unpatentable over **Drummond** in view of "Neglected Shoppers Rejoice: Customer Service is Returning" by B. Aarsteinsen, Nov. 9, 1990 ("**Aarsteinsen**"), **(4)** rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over **Drummond** and **Aarsteinsen**, and further in view of "Freddie Mac is Avoiding Bad Loans" by P. Reeves, Nov. 23, 1997 ("**Reeves**"), and **(5)** rejected claims 18-21 under 35 U.S.C. 103(a) as being unpatentable over **Drummond** in view of "Tanger Shoppers Score Big Outlet Savings During Super Bowl Scratch and Win Event" on PR Newswire, Dec. 1999 ("**PR Newswire**").

By the present Amendment, Applicants propose canceling claims 34 and 35 and amending independent claim 32 to incorporate the limitations of cancelled claims 34 and 35. Thus, if this Amendment is entered, claims 3-7, 9-24 and 32-33 would be pending. Since this Amendment only serves to cancel claims, it is respectfully requested that it be entered, for purposes of placing the claims in condition for allowance, or alternatively to put the claims in better form for purposes of appeal.

Applicants appreciate the courtesy extended by Examiner Liversedge (and her supervisory Examiner) in discussing this application with the undersigned over the telephone and on November 8, 2006. During that discussion, Applicants' attorney reviewed the rejection of independent claim 32 as being anticipated by **Drummond**, and the differences that Applicants believe exist between **Drummond** and claim 32. Subsequent voicemails were exchanged between the Examiner and Applicants' attorney regarding the scope of the disclosure in **Drummond**, and this Amendment is being filed in response thereto.

Applicants' invention, as exemplified in claim 32, is directed to a method for permitting marketing and promotional activities to be implemented at an ATM network by *bank branches* without changing the central accounting system of the bank (see, e.g., paragraphs 05-08 of the Specification). Specifically, claim 32 recites a method for use in a bank processing network having a plurality of ATMs and an information processing system. The information processing system includes a central MCIF server and integrated ATM monitoring apparatus. The ATM monitoring apparatus and the ATMs *are located at a branch office*. The method includes storing customer service information (customer attribute information and customer offer information) at the MCIF server, downloading the customer service information to the ATM monitoring apparatus in advance of customer transaction, transmitting the customer specific information from an ATM to the ATM monitoring apparatus in response to a customer conducting a transaction, and providing selected customer offer information from the ATM monitoring apparatus to the ATM in response to the customer specific information.

While Applicants believe claim 32 (as earlier presented) is distinguishable from **Drummond**, claim 32 had been further amended (incorporating the limitations of claims 34 and 35) in order to even more clearly distinguish **Drummond**, and in particular, to more specifically recite the features of the ATM monitoring apparatus and its relationship to the ATMs, bank branch offices and the central systems of the bank.

As best understood, the Examiner's position is that the home bank computer 14 and its HTTP server 90 in **Drummond** disclose Applicants' claimed ATM monitoring apparatus, and that the computer 14 provides advertising and promotional information to ATMs 12 (Fig. 3; col. 6, lines 25-41; col. 10, lines 25-43; and col. 11, lines 16-32). However, it is clear from Fig. 3 and the description in **Drummond** that the computer 14 is centrally located at a bank ("Bank A"), and the ATMs 12 are at various locations within Bank A. The computer 14 may also communicate with other banking institutions (e.g., "Bank B" in Fig. 3), but there are no bank branches disclosed and, more importantly, no branch office systems disclosed (such as Applicants' ATM monitoring apparatus).

In fact, when **Drummond** is applied as a reference to Applicants' claims, it is clear that computer 14 is analogous to Applicants' central marketing customer information file (MCIF) server. There is no ATM monitoring apparatus at branch offices disclosed in **Drummond**, because there are no branches. While there might be implicit in a banking network (such as **Drummond**) the existence of branch offices, there are no branch office systems performing the inventive function of Applicants' ATM monitoring apparatus. Thus, while **Drummond** perhaps discloses the MCIF server and the ATMs that are recited in Applicants' claims, it does not disclose the ATM monitoring apparatus. As such, **Drummond** is not able to anticipate Applicants' claims since it fails to "teach each and every aspect of the claimed invention" (see MPEP §706).

The other claims all now depend from claim 32 and are believed allowable over **Drummond** for at least the same reasons. Furthermore, such claims recite additional limitations.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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